

**Katherine L. WEILAND**  
klw@hueschen-sage.us

**FAX TRANSMISSION**

**CONFIDENTIALITY NOTICE**

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DATE: September 8, 2005 .  
TO: Rosa THOMAS, Esq. FAX NO.: 571-273-0559  
FROM: HUESCHEN & SAGE FAX NO.: 269-382-2030  
RE: U.S. Serial No. 09/936,676; Christine LIBON, et al.

**NO. OF PAGES INCLUDING COVER SHEET: 19**

Dear Ms. THOMAS:

To follow up on our conversation of this morning, we provide the following:

**Response and Amendment under 37 CFR § 1.111 with two (2) month extension was timely filed under Certificate of Mailing under 37 CFR § 1.8(a) with return postal card receipt on December 1, 2003.**

Petition for Revival of an Application for Patent Abandoned Unavoidably under 37 CFR § 1.37(a) was filed on December 14, 2004, a copy of which is enclosed. With the Petition for Revival, a copy of the Response and Amendment of December 1, 2003 and cancelled check No. 72085 for two month extension, a date stamped return postal card receipt indicating receipt of said Response by USPTO mailroom on December 4, 2003, were provided. The USPTO return receipt confirmation of the facsimile transmission of the Petition for Revival of December 14, 2004 is enclosed herewith.

We thank you for your assistance in this matter.

Very truly yours,

## THE FIRM OF HUESCHEN AND SAGE

By: Katherine L. Weiland  
Katherine L. WEILAND

SEVENTH FLOOR • KALAMAZOO BUILDING • 107 WEST MICHIGAN AVENUE • KALAMAZOO, MICHIGAN 49007 USA  
PHONE: 269.382.0030 • FAX: 269.382.2030 • INFO@HUESCHEN-SAGE.US

\*\*\*\*\* - 8282 382 682 \*\*\*\*\* - 8282 382 682 \*\*\*\*\* - 8282 382 682 \*\*\*\*\*

HUESCHEN HNU SHUE

001 15712730559 OK 8 019/019

FILE NO. -621

MODULE = MEMORY TRANSMISSION

\*\*\*\*\*-CQHM-JOURNAL-\*\*\*\*\* DATE SEP-08-2005 \*\*\*\*\* TIME 10:48 \*\*\*\*\*

**CONFIDENTIAL**  
**ATTORNEY-CLIENT PRIVILEGE**

**Katherine L. WEILAND**  
**klw@hueschen-sage.us**

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Very truly yours,

THE FIRM OF HUESCHEN AND SAGE

By:   
Katherine L. WEILAND

**HUESCHEN AND SAGE PLLC ATTORNEYS AND COUNSELORS**

PATENT TRADEMARK AND COPYRIGHT PRACTICE

SEVENTH FLOOR • KALAMAZOO BUILDING • 107 WEST MICHIGAN AVENUE • KALAMAZOO, MICHIGAN 49007 USA  
PHONE: 269 382 0030 • FAX: 269 382 2030 • INFO@HUESCHEN-SAGE.US



# Auto-Reply Facsimile Transmission

TO: Fax Sender at 269 382 2030

Fax Information

Date Received: 12/14/2004 2:52:06 PM [Eastern Standard Time]  
Total Pages: 17 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

DEC-14-2004 14:58 HUESCHEN AND SAGE 269 382 2030 P.01

PTO/SB/01 (11-03)  
Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Doctor Number (Optional) PP 98 PCT
First Named Inventor: Christine LIBON	Art Unit: 1645	
Application Number: 09/936,676	Examiner: Robert Zeman	
Filed: September 14, 2001		
Title: Bioceramic Membrane Fractions with Adjuvant Effect		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9382.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice of action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice of action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items: (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee <input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(l)) Applicant claims small entity status.. See 37 CFR 1.27.		
<input checked="" type="checkbox"/> Other than small entity - fee \$ <u>110.00</u> (37 CFR 1.17(l)).		
2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of <input checked="" type="checkbox"/> Response A. Amendment under 37 CFR § 1.111 with 2 mo. ext. fee (Identify the type of reply); <input checked="" type="checkbox"/> has been filed previously on <u>December 1, 2003</u> . <input checked="" type="checkbox"/> is enclosed herewith.		
B. The issue fee of \$ _____ <input type="checkbox"/> has been paid previously on _____. <input type="checkbox"/> is enclosed herewith.		

(Page 1 of 3)  
This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments concerning the accuracy of this estimate or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
If you need assistance in completing the form, call 1-800-PTD-9199 and select option 2.

PAGE 1/17 'RCVD AT 12/14/2004 2:52:06 PM [Eastern Standard Time]' SVR:USPTO-EFXRF-1/1 'OIN:8729306' CSID:269 382 2030 'DURATION (min:ss):05:30'

MODE = MEMORY TRANSMISSION

START=DEC-14 14:50 END=DEC-14 14:55

FILE NO.=045

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	8	17038729306	017/017	00:04:56

-HUESCHEN AND SAGE-

\*\*\*\*\* -KALAMAZOO MI USA- \*\*\*\*\* - 269 382 2030- \*\*\*\*\*

PTO/SB/61 (11-03)  
Approved for use through 07/31/2006. OMB 0651-0031  
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional) PF 98 PCT
First Named Inventor: Christine LIBON	Art Unit: 1645
Application Number: 09/936,676	Examiner: Robert Zeman
Filed: September 14, 2001	
Title: Bacterial Membrane Fractions with Adjuvant Effect	
<p>Attention: Office of Petitions  <b>Mail Stop Petition</b>  Commissioner for Patents  P.O. Box 1450  Alexandria, VA 22313-1450</p>	
<p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9382.</p>	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p>	
<p><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b></p>	
<p>NOTE: A grantable petition requires the following items:</p>	
<p>(1) Petition fee.  (2) Reply and/or issue fee.  (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and  (4) Adequate showing of the cause of unavoidable delay.</p>	
<p><b>1. Petition fee</b></p>	
<p><input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(l)) Applicant claims small entity status..  See 37 CFR 1.27.</p>	
<p><input checked="" type="checkbox"/> Other than small entity - fee \$ <u>110.00</u> (37 CFR 1.17(l)).</p>	
<p><b>2. Reply and/or fee</b></p>	
<p>A. The reply and/or fee to the above-noted Office action in the form of</p>	
<p><u>Response &amp; Amendment under 37 CFR § 1.111 with 2 mo ext fee</u> (identify the type of reply):  <input checked="" type="checkbox"/> has been filed previously on <u>December 1, 2003</u>  <input checked="" type="checkbox"/> is enclosed herewith.</p>	
<p>B. The issue fee of \$ _____  <input type="checkbox"/> has been paid previously on _____  <input type="checkbox"/> is enclosed herewith.</p>	

(Page 1 of 3)

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*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
**\$110.00**

## Complete if Known

Application Number	09/936,676
Filing Date	September 14, 2001
First Named Inventor	Christine LIBON
Examiner Name	Robert ZEMAN
Art Unit	1645
Attorney Docket No.	PF 98 PCT SEQ

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:Deposit Account Number **08-3220**Deposit Account Name **The Firm of Hueschen and Sage**

## The Director is authorized to: (check all that apply)

- 
- Charge fee(s) indicated below
- 
- Credit any overpayments
- 
- 
- Charge any additional fee(s) or any underpayment of fee(s)
- 
- 
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1) (\$)					

## 2. EXTRA CLAIM FEES FOR UTILITY AND

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	0 X	= 0.00
			- 3** =	0 X	= 0.00

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					<b>\$0.00</b>

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	<b>110.00</b>
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					

\*Reduced by Basic Filing Fee Paid

## SUBTOTAL (3)

(\$)  
**\$110.00**

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	G. PATRICK SAGE	Registration No. (Attorney/Agent)	37,710	Telephone	269 382 0030
Signature			Date	December 14, 2004	

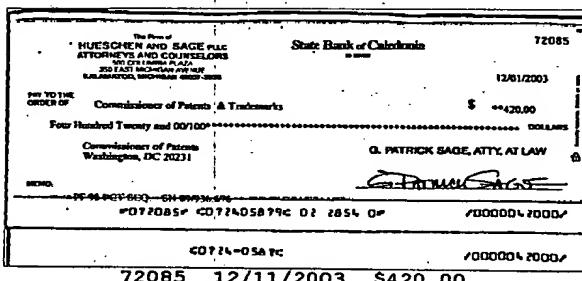
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# State Bank of Caledonia

FIRM OF HUESCHEN & SAGE PLLC  
Account: 228540  
Page: 6



Applicants  
Title

Serial No.  
Filing Date  
Art Unit  
Examiner

Christine LIBON, et al.  
**BACTERIAL MEMBRANE FRACTIONS  
WITH ADJUVANT EFFECT**  
DEC 08 2003  
09/936,676  
September 14, 2001  
1645  
HUESCHEN AND  
Robert A. ZEMAN, Esq.

The USPTO mailroom stamp affixed hereon will acknowledge receipt by  
Certificate of Mailing filing procedure of: Response and Amendment,  
Listing of Claims, Extension Fee for two (2) month's extension, return  
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PF 98 PCT SEQ / December 1, 2003 / gpsage





PF 98 PCT SEQ / December 1, 2003 / gpsage

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The USPTO mailroom stamp affixed hereon will acknowledge receipt by  
Certificate of Mailing filing procedure of: Response and Amendment,  
Listing of Claims, Extension Fee for two (2) month's extension, return  
postal card receipt.

Applicants **DECEIVE** Christine LIBON, et al.  
Title **BACTERIAL MEMBRANE FRACTIONS  
WITH ADJUVANT EFFECT**

Serial No. 74-587724  
DEC 04 2003 09/936,676  
Filing Date September 14, 2001  
Art Unit 1645  
Examiner Robert A. ZEMAN, Esq.

The Firm of  
**HUESCHEN AND SAGE PLLC**

**ATTORNEYS AND COUNSELORS**

500 COLUMBIA PLAZA  
350 EAST MICHIGAN AVENUE  
KALAMAZOO, MICHIGAN 49007-3856

**State Bank of Caledonia**

72085

NP

12/01/2003

PAY TO THE  
ORDER OF  
Commissioner of Patents & Trademarks

\$ \* \* 420.00

Four Hundred Twenty and 00/100\*\*\*\*\* DOLLARS

Commissioner of Patents  
Washington, DC 20231

**G. PATRICK SAGE, ATTY. AT LAW**

MEMO:

*G. Patrick Sage*



Security features. Details on back.

PF-98-PCT-SEQ-SN09936,676  
110 072085 110 0724058791: 02 2854 0110